

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 98-645

August 25, 1998

GRAY WATER DISTRICT,
Request for Approval of
Special Contract with
Pineland (Second Temporary
Interconnection Agreement)

ORDER

WELCH, Chairman and NUGENT, Commissioner

I. SUMMARY OF ORDER

We approve the Second Temporary Interconnection Agreement between the Gray Water District (District) and the State of Maine to allow the District to temporarily provide additional water to the Pineland System.

II. BACKGROUND

We recently approved two agreements to allow the District 1) to acquire an existing water system serving Cole Thompson and Don Hutchings from the State of Maine and to serve Messrs. Thompson and Hutchings hereafter, and 2) to enter a mutually beneficial emergency back up water supply arrangement with the State, under the terms set out in these agreements. See Gray Water District, Proposed Service Agreement with Cole Thompson and Don Hutchings, Docket No. 98-401 and Gray Water District, Emergency Interconnection Agreement with Pineland, Docket No. 98-517, consolidated Order (August 10, 1998.) For these agreements to take effect, the State must accomplish a number of preliminary tasks, such as installing a new shut-off valve and transferring various right-of-ways to the District for a portion of the main serving the Pineland System.

On August 18, 1998, the District requested Commission approval of a Second Temporary Interconnection Agreement (STIA) with the State to allow it to temporarily serve the Pineland System, an independently operated water system owned by the State. The Commission assigned this matter Docket Number 98-645. The District seeks approval pursuant to 35-A M.R.S.A. §§ 703(3) and 2110, as well as Section 6(E) of Chapter 650 of the Commission's Rules. The District filed an executed copy of the agreement.

Section 703(3) is the statutory provision that allows special rate contracts for a definite term when approved by the Commission. Section 2110 allows the Commission to authorize a utility to extend its service territory to serve additional areas. Chapter 650, section 6(E) allows the Commission to approve exemptions to its rule governing water main extensions.

The District states that this agreement is necessary to meet the State's water needs for the Pineland System while preconditions to the previously-approved agreements are being satisfied.

III. DESCRIPTION OF AGREEMENT

The STIA provides that the District will supply water to the Pineland System up to a maximum of 50,000 gallons per day and 35 gallons per minute, unless the District is unable to do so because of an unanticipated loss of water. The water will be delivered to an existing meter installed at Depot Road. Pineland will be required to disinfect its system to the satisfaction of the Department of Human Services and the District. The State will pay the District expenses of \$2,500 and water at the rate of \$1.16/HCF. Paragraph 3 of the agreement states that it will terminate on September 18, 1998.

IV. DISCUSSION

We approve the STIA, recognizing that the State has, as yet, been unable to accomplish all of the necessary preconditions to allow the previously-approved agreements to take effect. The STIA will allow the District to fulfill the State's immediate water needs pending implementation of the permanent agreements. The agreement requires the State to achieve necessary system water quality standards before the District provides water to its system, safeguarding the District's existing customers. Without this agreement, a school on the State's property will go without safe and adequate water, creating a public health hazard. Thus, approval serves the public interest under the terms contained therein.

However, we do not limit our approval to expire on September 18, 1998. To the extent the parties choose to afford themselves of it, we hereby approve this agreement for a period of six months in an effort to avoid expending further regulatory resources on this matter in the event that one month is not

adequate time for the State to satisfy the preconditions to a permanent agreement.

Accordingly, we

O R D E R

1. that the Second Temporary Interconnection Agreement dated August 14, 1998 is approved for a term of six months.

Dated at Augusta, Maine this 25th day of August, 1998.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: WELCH
NUGENT

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of adjudicatory proceedings are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 6(N) of the Commission's Rules of Practice and Procedure (65-407 C.M.R.11) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which consideration is sought.

2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320 (1)-(4) and the Maine Rules of Civil Procedure, Rule 73 et seq.

3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320 (5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.